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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,396	11/15/2001	Benjamin J. Parker	1692 (15725)	5884

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EXAMINER

JONES III, CLYDE H

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/004,396

Applicant(s)

PARKER ET AL.

Examiner

Clyde H. Jones III

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE


8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claims 1-15, the applicant argues (page 2, line 20-page 3, line5) that Hylton in view of de Haas and Rakib fail to teach the claimed port extenders "do not carry any audio or video signal and only interact with the television through the centralized gateway". In the final rejection the examiner asserted that the features of not carrying audio or video signal and only interacting with the television through the gateway is not recited in the claims and that limitations from the specification are not read into the claims. However, the applicant further argues that those features are inherently recited in the claims "since the television adapters are contained in the centralized gateway and are themselves coupled to the televisions, the recited television signals do not pass through the port extenders". The examiner respectfully disagrees again for the same reason, limitations from the specification are not read into the claims. The claim 1 language recites the port extender module is located separately from the central gateway and that the plurality of television adapters are coupled to the decoders and the television, and the plurality of decoders are coupled to the processor which is coupled to the centralized gateway. The claim language "couple" is broadly interpreted by the examiner to merely mean connected (i.e. it is connected electronically, physically, wirelessly, remotely, etc.). There is nothing in the claim language that prevents the examiner from interpreting that the television adapters and the plurality of decoders are all housed in the port extender module and remotely coupled to the processor in the centralized gateway via an electronic connection, as this interpretation would still meet all the limitations of the claims. Although in the rejection the examiner has interpreted the television adapters and decoders to be in the centralized gateway, the above interpretation shows that the claim language does not inherently recite the port extender module does not carry audio or video signals and only interact with the television through the centralized gateway. The applicant's arguments are not persuasive.

Regarding applicants arguments on page 3, lines 15-23, that the examiners interpretation of Hylton's set-top box (or similar functionality) as a port extender is a mistake because the claimed invention does not deliver selectable signals to the port extenders, the examiner respectfully disagrees because the applicant's argument is contradictory to the claim language wherein the claim language (claim 1, lines 21-27) recites that the peripheral user device (interpreted to be a remote control, inter alia) delivers user selection signals/data to the port extender module. There is nothing in the claim language that does not enable the examiner to interpret Hylton's set-top box (or similar functionality) in view of (deHaas and Rakib) to be a port extender because Hylton's set-top box meets all the claimed limitations of a port extender module. Again, limitations from the specification are not read into the claims. The applicant's arguments are not persuasive.


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